

OCT 11 2005

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

JULIA AMPARO GONZALEZ RODAS,

Petitioner,

v.

ALBERTO GONZALES, Attorney
General,

Respondent.

No. 02-73083

Agency No. A75-708-620

ORDER

Before: LEAVY, THOMAS, and FISHER, Circuit Judges.

The memorandum disposition filed on June 24, 2004 is hereby withdrawn.

We remand this matter to the Board of Immigration Appeals for reconsideration of the petitioner's appeal, particularly with respect to her testimony about harm to her husband and nephew, in light of our decisions in *Thomas v. Gonzales*, 409 F.3d 1177 (9th Cir. 2005) (en banc), and *Arriaga-Barrientos v. INS*, 937 F.2d 411 (9th Cir. 1991).

The respondent's motion for an extension of time to file a response to the petition for rehearing and the petition for rehearing itself are denied as moot.

The mandate shall issue forthwith.